

#10

**"PATENT"****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/014,700 Confirmation No.: 3769  
Applicant : Jeffrey J. O'BRIEN, *et al.*  
Filed : October 22, 2001  
TC/A.U. : 1771  
Title: : "POROUS POLYETHYLENE MEMBRANE"  
Examiner : Hai VO  
Docket No. : 10041-3  
Customer No. : 23455 Date: October 8, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FAX RECEIVED**  
**OCT 08 2003**  
**PETITIONS OFFICE**

**TERMINAL DISCLAIMER**

Sir:

The undersigned, on behalf of the petitioner, ExxonMobil Chemical Company, represents that the petitioner, ExxonMobil Chemical Company, is the owner of the entire right, title and interest of U.S. Application 09/778,558, filed on February 7, 2001, entitled POROUS POLYETHYLENE FILM WITH AN INK JET PRINTED SURFACE, by virtue of an Assignment from all of the inventors thereof executed on May 1, 2, and 3, 2001, recorded on May 18, 2001, at Reel 011830, Frame 0874, as well as the entire right, title and interest in the above-captioned U.S. Application 10/014,700.

Petitioner hereby certifies that the above-mentioned Assignments have been reviewed and to the best of petitioner's knowledge and belief, title is in petitioner who is seeking to take this action.

Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned U.S. Application 10/014,700 which would extend beyond the expiration of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from U.S.

USSN: 10/014,700  
Atty. Docket No.: 10041/3  
Amdt. dated October 8, 2003  
Reply to Office Action of February 5, 2003

---

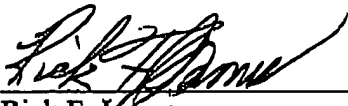
Application 09/778,558, and hereby agrees that any patent so granted on the above-captioned U.S. Application 10/014,700 shall be enforceable only for and during such period that the legal title to any patent issuing from U.S. Application 09/778,558 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application 10/014,700, this agreement to run with any patent granted on the above-captioned U.S. Application 10/014,700 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application 10/014,700 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from U.S. Application 09/778,558 in the event that any patent issuing from U.S. Application 09/778,558 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a Reexamination Certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned whose signature and title appear below is empowered to act on behalf of petitioner.

Respectfully submitted,

Date: October 8, 2003

  
Rick F. James  
Registration No. 48,772

Post Office Address (to which correspondence is to be sent)  
ExxonMobil Chemical Company  
Law Technology  
P.O. Box 2149  
Baytown, Texas 77522-2149  
Telephone No. (281) 834-2438  
Facsimile No. (281) 834-2911